

LYNCHBURG CITY COUNCIL REPORT

Meeting Date: January 29, 2002

Council Report # 5

Strategic Leadership Team Contact: Walter C. Erwin

Report Writer: Walter C. Erwin

Subject: Add Section 25-169 to the City Code

Purpose of Action: Add Section 25-169 to the City Code to allow the City to recover some of the costs incurred in responding to DUI incidents.

Requested Action: Consideration of adopting the attached ordinance.

Prior Action: None

Attachments: See attached ordinance

Resolution/Ordinance:

017L

Other Information: During the 2001 session the General Assembly passed legislation allowing local governments to adopt ordinances to recover some of the costs incurred in responding to motor vehicle accidents caused persons who drive under the influence of intoxicating substances. Adopting such an ordinance will allow the City to bill persons who are convicted of driving under the influence a flat fee of \$100.00 or a minute-by-minute accounting not to exceed \$1,000.00 to recover the costs of providing law-enforcement, fire-fighting, rescue and emergency medical services to DUI incidents.

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF
LYNCHBURG, 1981, BY ADDING THERETO A NEW SECTION NUMBERED 25-169,
RELATING TO THE RECOVERY OF EXPENSES INCURRED IN RESPONDING TO DUI
INCIDENTS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG:

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto Section 25-169 as follows:

Sec. 25-169. Reimbursement of expenses incurred in responding to DUI incidents.

Any person who is convicted of a violation of sections 18.2-514, 18.2-266 or 29.1-738 of the Code of Virginia, 1950, as amended, or any succeeding sections thereof, or a similar city ordinance, when a person's operation of a motor vehicle, engine, train or watercraft while so impaired is the proximate cause of any accident or incident resulting in an appropriate emergency response, shall be liable in a separate civil action to the city or to any volunteer rescue squad, or both, which may provide such emergency response for the reasonable expense thereof, in an amount not to exceed \$1,000 in the aggregate for a particular accident or incident occurring in the city.

In determining the "reasonable expense," the city or volunteer rescue squad may bill a flat fee of \$100 or a minute-by-minute accounting of the actual costs incurred. As used in this section, "appropriate emergency response" includes all costs of providing law-enforcement, fire-fighting, rescue, and emergency medical services. The provisions of this section shall not preempt or limit any remedy available to the locality or to any volunteer rescue squad to recover the reasonable expenses of an emergency response to an accident or incident not involving impaired driving or operation of a vehicle as set forth herein.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified: _____

Clerk of Council